

**FILED**

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

MAR 1 - 2006

CLERK  
U. S. DISTRICT COURT  
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA )

v. )

HOWARD PAUL BEST, III )

CR. NO. 2:06CR67-WHA

[18 USC 922(g)(1)]

INDICTMENT

The Grand Jury charges:

COUNT 1

On or about July 29, 2005, in Chilton County, Alabama, in the Middle District of Alabama,  
the defendant

HOWARD PAUL BEST, III,

having been previously convicted in a court, of a crime punishable by imprisonment for a term in excess of one year, to-wit: Unlawful Possession of a Controlled Substance in the Circuit Court of Shelby County, Alabama (CC 96-280), knowingly possessed a firearm, in and affecting commerce, that is a Colt, Rimless, smokeless, .32 caliber handgun, serial number 125765, and ammunition, in violation of Title 18, United States Code, Section 922(g)(1).

FORFEITURE ALLEGATION

- A. Count 1 of this indictment is hereby repeated and incorporated herein by reference.
- B. Upon conviction for the violation of Title 18, United States Code, Section 922(g)(1), as alleged in Count 1 of this indictment, the defendant shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924 and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of this offense, including but not limited to the following:

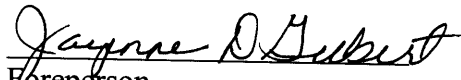
A Colt, Rimless, smokeless, .32 caliber handgun, serial number 125765.

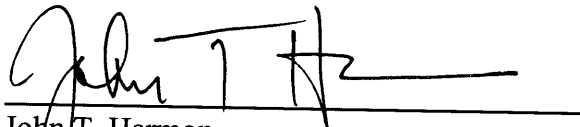
C. If any of the property described in this forfeiture allegation, as a result of any act or omission of the defendant:

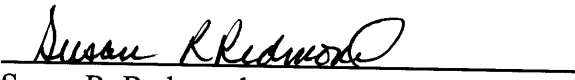
- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred, sold to, or deposited with a third person;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or,
- (5) has been commingled with other property which cannot be divided without

difficulty; the United States, pursuant to Title 21, United States Code, Section 853, as incorporated by Title 28, United States Code, Section 2461(c), intends to seek an order of this Court forfeiting any other property of said defendant up to the value of the property described in paragraph B above, all in violation of Title 18, United States Code, Section 922.

A TRUE BILL:

  
Foreperson

  
John T. Harmon  
Assistant United States Attorney

  
Susan R. Redmond  
Assistant United States Attorney